

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

LARRY I. NEWKIRK, and RUTH A.
NEWKIRK,

Plaintiffs,

No. CV-08-0273-FVS

V.

ORDER

CONAGRA FOODS, INC., a Delaware Corporation, et al.,

Defendants.

THIS MATTER having come before the Court based upon the parties' stipulated request for the dismissal, without prejudice, of Plaintiffs' Complaint as against Defendants Shopko Stores, Inc., Shopko Stores Operating Co., LLC, and Shopko Properties, LLC (Ct. Rec. 101); Now, therefore

IT IS HEREBY ORDERED:

1. Plaintiffs' Complaint as against Defendants Shopko Stores, Inc., Shopko Stores Operating Co., LLC, and Shopko Properties, LLC is **DISMISSED without prejudice.**

2. The parties shall bear their own costs and fees.

3. Defendants' April 20, 2009, Motion for Summary Judgment (Ct.)

Rec. 92) is DENIED as moot.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

DATED this 1st day of June, 2009.

s/ Fred Van Sickle
Fred Van Sickle
Senior United States District Judge